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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,816	11/26/2003	Myer (Mike) H. Hecht	HEC - P003	9369

7590 03/10/2005
RUSSELL E. HATTIS
1640 JASMINE COURT
HIGHLAND PARK, IL 60035

EXAMINER

EVANISKO, LESLIE J

ART UNIT PAPER NUMBER

2854

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/722,816	Applicant(s) HECHT, MYER H.	
	Examiner Leslie J. Evanisko	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: R1' in Figures 2 and 5. To correct this problem, it is suggested that the term "R1" in line 13 of page 12 and also in line 4 of page 13 be deleted and replaced with -- R1'--.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: lower layer L2' described on page 10, line 14 and also near the bottom of page 12 is not shown in the Figures. To correct this problem, it appears the occurrence of L2 in Figure 4 should be L2'.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The use of the trademarks DYCRIL (page 6, line 1 & page 8, line 20) and MYLAR (page 8, line 2) has been noted in this application. It should be in all capital letters wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

4. The disclosure is objected to because of the following informalities: It appears on page 8, line 26, that the term “of” should be --off-- to correct an obvious typographical error.

Appropriate correction and/or clarification is required.

Claim Objections

5. Claims 1-6, 8-10, 12, and 13-15 are objected to because of the following informalities:

With respect to claim 1, the term “the substrate” in line 4 has no proper antecedent basis since no substrate was previously recited. To correct this problem, it is suggested that the term “the” be deleted and replaced with --a--.

With respect to claims 3-6 and 13-14, it is noted that each claim uses the term “it” (or “its”) and it can sometimes be confusing as to what structure “it” (or “its”) is intended to be referring to. Therefore, it is suggested that each occurrence of the term “it” or “its” in the claims be deleted and replaced with the actual structure to which “it” or “its” is referring.

With respect to claim 8, in line 1, it is suggested that the term "number" be deleted and replaced with --numbers-- to correct an obvious typographical error.

With respect to claim 9, the term "the person" in line 5 has no proper antecedent basis since no person was previously recited. To correct this problem, it is suggested that the term "the" be deleted and replaced with --a--.

Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartung et al. (US 5,638,752) in view of Hecht (US 6,044,761). Hartung et al. teach a printing press comprising a number of different printing stations 51-57 (Figure 3), each of said stations having an ink applicator (21, 24 and other illustrated inking arrangements in stations 51-55) for depositing ink, an adjacent first rotatable cylinder (20.1, 20.2, and plate cylinders in stations 51-55) for receiving ink in a nip therebetween, and at least a second rotatable cylinder (18.1, 18.2, and impression cylinders in stations 51-55) over which

passes a substrate to be printed upon in a subsequent nip with the first cylinder, wherein at least a first (56 in Figure 3) of the stations includes a plate (see column 4, lines 9-11) for coating substrate areas desired to be printed upon and another one (any of 51-55) of the stations includes a cylinder (i.e., plate cylinder) having a periphery for printing indicia of a size which is a fraction of the size of the areas which receive ink from the first printing station. Particular attention is invited to column 5, lines 56-63 in particular, which clearly discusses applying a coating before further printing. Additionally, it is noted that Hartung et al. also discusses the use of one of the coating units to spot coat areas of the substrate in column 3, lines 65-66.

Although Hartung et al. is silent with respect to whether the indicia being printed by the other printing stations 51-55 includes letters and/or numbers, the use of flexographic printing arrangements to print letters and/or numbers is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to use the first coating station to spot coat certain larger areas of the substrate and then use the subsequent printing stations to print letter and/or numbers of a relatively smaller size than the spot coated areas to provide a background colored area upon which the printing is applied to produce a clear print.

Although Hartung et al. is silent with respect to the particular details of the printing plate attached to the first printing station 56, Hecht teaches a coating/printing plate 10 comprising a multi-layered flexible body having an

outermost layer 14 which receives ink and which is secured to an innermost layer 12 of different material, the outermost layer being cut to provide spaced cut-out areas which leave outermost areas projecting beyond the cut-out areas to cover substrate areas desired to be printed upon. See Figures 1-2, and 5 of Hecht and column 4, lines 33-60 in particular. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide the press of Hartung et al. with a multi-layered flexible body as taught by Hecht for the coating plate, as it would require simply the obvious substitution of one known plate for another to provide an inexpensive and easier to prepare plate for coating areas of the substrate before further printing the substrate.

With respect to claim 2, again note the embodiment shown in Figure 3 of Hartung et al.

With respect to claim 3, again note Hartung et al. teaches a printing press station comprising an ink applicator, an adjacent first rotatable cylinder, and a flexographic coating plate attached to the periphery of the first rotatable cylinder. Although Hartung et al. is silent with respect to the particular details of the coating plate structure, Hecht teach a flexographic coating plate including a multi-layered flexible body having an outermost layer and innermost layer of a different material, the outermost layer being cut to form ink-applying areas to cover substrate areas to be printed upon which extend over larger areas than areas which are to receive letters and/or numbers. In view of this teaching, it would have been obvious to one of ordinary skill in the

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art to provide the cylinder of Hartung et al. with the coating plate as taught by Hecht as it would require simply the obvious substitution of one known plate for another to provide an inexpensive and easier to prepare plate for coating areas of the substrate before further printing the substrate.

With respect to claims 4, 7 and 20, note the layers 12, 14 of the flexible body of Hecht are see through layers such that a template 26 containing the cut pattern may be placed beneath the innermost layer to enable the outermost layer to be cut. See column 4, lines 33-51 of Hecht.

With respect to claims 5-6, note column 4, line 67 through column 5, line 4 of Hecht.

With respect to claims 8, 11, and 12, note the above comments with respect to claims 1 and 3. Hartung et al. in view of Hecht render obvious the method of printing on a substrate. Although Hartung et al. is silent with respect to whether the printing includes letters and/or numbers, again the use of flexographic printing arrangements to print letters and/or number is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to use the apparatus of Hartung et al. as modified by Hecht to coat or spot coat areas of the substrate and then print any desired indicia such as letters and/or numbers over the coated areas to provide a background coloring upon which the printing is applied to provide clear and easy to read printing.

With respect to claims 9-10, note Hecht teaches the use of either a manual or automatic cutting operation in column 5, lines 14-24.

With respect to claims 13 and 14, note Hecht teaches the outermost layer of the flexible body is impervious (at least to some extent) in column 3, lines 22-32 and column 4, lines 53-60.

With respect to claims 15-16, note Hecht teaches the outermost and innermost layers are see-through and are secured together with a see-through adhesive material to aid in the cutting process in column 4, lines 40-47.

With respect to claims 17 and 18, note column 3, lines 14-52 and column 4, lines 1-9 of Hecht in particular.

With respect to claim 19, note column 3, lines 9-11 of Hecht.


Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hecht (US 5,771,809) and Wolbert (US 3,204, 557) each teach a multi-layered flexographic plate having obvious similarities to the claimed subject matter. Giori (US 4,056,056) and Davis et al. (US 5,630,363) each teach a printing apparatus including printing or coating background areas on a substrate and then further printing indicia on a substrate.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
March 6, 2005